

Patent Application
Docket No. UF-289C2
Serial No. 10/755,008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Kristie Latrice Brooks
Art Unit : 1609
Applicants : Raghavan Charudattan, Matthew Scott Pettersen, Ernest Hiebert
Serial No. : 10/755,008
Conf. No. : 7738
Filed : January 8, 2004
For : Use of Tobacco Mild Green Mosaic Virus (TMGMV) Mediated
Lethal Hypersensitive Response (HR) as a Novel Method of Weed
Control

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF ERNEST HIEBERT, Ph.D., UNDER 37 CFR §1.132

Sir:

I, Ernest Hiebert, Ph.D., hereby declare:

THAT, I am a co-inventor of the subject matter claimed in U.S. Patent Application Serial No. 10/755,008, along with Dr. Raghavan Charudattan and Matthew Scott Pettersen;

THAT, I am a co-author on the following publication:

Pettersen, M., Charudattan, R., Hiebert, E., and Zettler, F. W., Tobacco mild mosaic virus (TMGMV) induces a lethal response in tropical soda apple (*Solanum viarum* Dunal), *Phytopathology*, June 2001, vol. 91, No. 6 supplement, pp.S71-72.

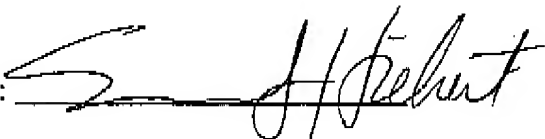
And being thus duly qualified, do further declare as follows:

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In the course of the research conducted on TMGMV by Dr. Raghavan Charudattan, Matthew Scott Pettersen, and myself, we were assisted to varying degrees by several people, including Dr. Francis William Zettler. Dr. Zettler was Mr. Pettersen's undergraduate mentor and was listed as a co-author on the above-referenced publication to recognize his role as Mr. Pettersen's mentor. Although the efforts of Dr. Zettler were greatly appreciated, he did not contribute to the conception of the claimed invention. Therefore, Dr. Zettler was not included as a co-inventor on the subject application.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Date: Feb 12/08